

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1388

Introduced by Assembly Member Wieckowski

February 18, 2011

An act to amend Section 706.051 of the Code of Civil Procedure, relating to judgment debtors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1388, as amended, Wieckowski. Earnings withholding orders.

Existing law requires an employer to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee that ends during the withholding period. Under existing law, the portion of the judgment debtor's earnings that the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor is exempt from the levy of an earnings withholding order. This exemption is not available if the debt was incurred for the common necessities of life furnished to the judgment debtor or the family of the judgment debtor.

This bill would ~~delete that restriction on~~ provide that "common necessities of life" does not include hospital services or medical care for purposes of that exception to the exemption from the levy of an earnings withholding order.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 706.051 of the Code of Civil Procedure
2 is amended to read:

3 706.051. (a) For the purposes of this section, “family the
4 following shall apply:

5 (1) “Common necessities of life” does not include hospital
6 services or medical care.

7 (2) “Family of the judgment debtor” includes the spouse or
8 former spouse of the judgment debtor.

9 (b) Except as provided in subdivision (c), the portion of the
10 judgment debtor’s earnings ~~which~~ that the judgment debtor proves
11 is necessary for the support of the judgment debtor or the judgment
12 debtor’s family supported in whole or in part by the judgment
13 debtor is exempt from levy under this chapter.

14 (c) The exemption provided in subdivision (b) is not available
15 if any of the following exceptions applies:

16 (1) The debt was incurred for the common necessities of life
17 furnished to the judgment debtor or the family of the judgment
18 debtor.

19 (2) The debt was incurred for personal services rendered by an
20 employee or former employee of the judgment debtor.

21 (3) The order is a withholding order for support under Section
22 706.030.

23 (4) The order is one governed by Article 4 (commencing with
24 Section 706.070) (state tax order).

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26 ~~is amended to read:~~

27 ~~706.051. (a) For the purposes of this section, “family of the~~
28 ~~judgment debtor” includes the spouse or former spouse of the~~
29 ~~judgment debtor.~~

30 ~~(b) Except as provided in subdivision (c), the portion of the~~
31 ~~judgment debtor’s earnings that the judgment debtor proves is~~
32 ~~necessary for the support of the judgment debtor or the judgment~~
33 ~~debtor’s family supported in whole or in part by the judgment~~
34 ~~debtor is exempt from levy under this chapter.~~

35 ~~(c) The exemption provided in subdivision (b) is not available~~
36 ~~if any of the following exceptions applies:~~

37 ~~(1) The debt was incurred for personal services rendered by an~~
38 ~~employee or former employee of the judgment debtor.~~

- 1 ~~(2) The order is a withholding order for support under Section~~
- 2 ~~706.030.~~
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- 4 ~~Section 706.070) (state tax order).~~

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